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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KENNETH BURNETT,

11 Petitioner,

12 v.

13 UNITED STATES OF AMERICA,

14 Respondent.

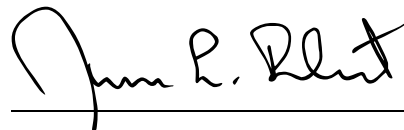
CASE NO. C20-0947JLR

ORDER GRANTING JOINT
MOTION TO STAY
PROCEEDINGS

15 On March 8th, 2021, the court ordered Petitioner Kenneth Burnett and Respondent
16 the United States of America to submit briefing on whether the court should stay this case
17 until the Supreme Court of the United States of America has issued a ruling in *United*
18 *States v. Gary*, 954 F.3d 194 (4th Cir. 2020), *cert. granted*, No. 20-444, 2021 WL 77245
19 (U.S. Jan. 8, 2021). (3/8/21 Order (Dkt. # 10).) On March 15, 2021, the parties
20 submitted a joint motion requesting that the court stay further proceedings until the
21 disposition of *Gary*. (Mot. (Dkt. # 11).) The parties contend that the issue to be
22 determined in *Gary*—“[w]hether a defendant who pleaded guilty to possessing a firearm

1 as a felon, in violation of 18 U.S.C. [§§] 922(g)(1) and 924(a), is automatically entitled to
2 plain-error relief if the district court did not advise him that one element of that offense is
3 knowledge of his status as a felon, regardless of whether he can show that the district
4 court's error affected the outcome of the proceedings"—is potentially dispositive in this
5 matter. (Mot. at 2.) The court agrees, and GRANTS the parties' motion to stay
6 proceedings (Dkt. # 11). This case is STAYED pending a ruling from the Supreme Court
7 in *Gary*. The parties are ORDERED to file a joint status report within ten days of the
8 Supreme Court issuing a ruling in *Gary*, or seven months of the date of this order,
9 whichever is first.

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11 Dated this 19th day of March, 2021.

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14 JAMES L. ROBART
15 United States District Judge
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